



ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

2 Adrian Rivera, Adriana Rivera, Francisco Rivera, Aracelia Rivera, Adolfo Rivera and Anthony Rivera (GUARD/P)
Petitioner: Lidia Larios (pro per)
Case No. 12CEPR00571

Petition for Appointment of Guardian

			<p>THERE IS NO TEMPORARY. No temporary was requested.</p> <p>LIDIA LARIOS, non-relative, is petitioner.</p> <p>Please see petition for details.</p> <p>Court Investigator Report filed on 9/23/15.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. Need proof of personal service of the Notice of Hearing along with a copy of the petition or consent and waiver of notice or declaration of due diligence on: <ol style="list-style-type: none"> a. Miguel Rivera (father of Adrian and Adriana) b. Sergio Ramirez (father of Francisco) c. Jose Navarro (father of Aricellia) d. Abel Rivera (father of Abel) e. Manuel Torres (father of Anthony) 2. Need proof of service of the Notice of Hearing along with a copy of the petition or consent and waiver of notice or declaration of due diligence on: <ol style="list-style-type: none"> a. Paternal grandparents
Cont. from				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail			
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
✓	Letters			
✓	Duties/Supp			
	Objections			
✓	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
✓	UCCJEA			
	Citation			
	FTB Notice			
			<p>Reviewed by: KT</p> <p>Reviewed on: 9/23/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 2 – Rivera</p>	

Petitioner
Attorney

Galindo, Lupe (Pro Per – Former Executor – Petitioner)
Kruthers, Heather H. (for Public Administrator – Current Personal Representative)
Amended First and Final Account and Report of Executor with Will, Amended Petition for
Final Distribution

DOD: 1/28/13		LUPE GALINDDO , Niece and Former Executor with Full IAEA without bond, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: Note: On 3/4/15, Petitioner was removed as Executor and the Public Administrator was appointed as personal representative of the estate. The PA has since filed a Corrected Final Inventory and Appraisal reflecting a date of death value of the property of \$110,000.00 as well as a Reappraisal for Sale reflecting a current value of \$132,000.00. The following issues remain noted: 1. Need proof of service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing on interested parties and parties who have requested special notice per Probate Code §1252: - Probate Referee Steven Diebert (Notice of Hearing filed 9/3/15 included all notice except Mr. Diebert.) 2. Petitioner had previously informed the Court that she was seeking a hardship waiver from DHS with regard to the creditor's claim. The Court may require information regarding the status of that request. 3. As previously noted, the estate is not in a position to close, as there does not appear to have been any provision made for payment of the creditor's claim, and Petitioner does not address whether notice of administration has been given to Franchise Tax Board pursuant to Probate Code §9202(c). 4. This estate was opened with a fee waiver. If assets are distributed pursuant to this probate, filing fees of \$870.00 will be due prior to distribution. Note: The Court will set a status hearing for the filing of the petition for final distribution by the Public Administrator as appropriate.
Cont. from 071415, 082515		Account period: 1/28/13-present Accounting: \$170,000.00 Beginning POH: \$170,000.00 Ending POH: \$170,000.00 (933 South 2 nd Street, Kingsburg)	
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg	x	
<input type="checkbox"/>	Aff.Mail		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202	x	
<input type="checkbox"/>	Order	x	
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice	x	

DOD: 08/14/11		<p>MALER ALI TAREB, son, was appointed as Administrator on 07/03/13. Letters of Administration were issued on 07/03/13.</p> <p>Final Inventory & Appraisal filed 07/15/13 - \$85,000.00</p> <p>Status Report filed 04/10/15 states: the sole asset of the estate is real property located on S. Winery in Fresno. The Administrator has been working with Wells Fargo Bank on adjusting the loan amount secured by the real property in order to allow a sale of the property in an amount that would benefit the estate. Currently, the Administrator is asking Wells Fargo to reconsider their position in connection with the modification on the loan based on updated financial information which would be provided to them. It is believed that it will take between 120 and 150 days to have the decision from Wells Fargo. Consequently, request is made that a 150 day continuance be granted in this matter so that the modification with Wells Fargo Bank can be completed and a petition for the approval of a sale of the property can be filed.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>CONTINUED FROM 04/21/15</p> <p>Minute Order from 04/21/15 states: The Court will grant the requested 5 month continuance one time.</p> <p>1. Need Account/Report of Administrator and Petition for Final Distribution and/or current verified status report.</p>
Cont. from 090514, 092314, 121614, 021715, 042115			
Aff.Sub.Wit.			
Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
		<p>Reviewed by: JF</p> <p>Reviewed on: 09/24/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 4 - Tareb</p>	

Petitioner	Debra D. Johnson (Pro Per – Maternal Grandmother – Petitioner)
Petitioner	Sherrelle Moore (Pro Per – Maternal Aunt – Competing Petitioner)
Petition for Appointment of Guardian of the Person (AujaNeek)	

5A

Petitioner Debra D. Johnson (Pro Per – Maternal Grandmother – Petitioner)
Petitioner Sherrelle Moore (Pro Per – Maternal Aunt – Competing Petitioner)
Petition for Termination of Guardianship (AujaNeek)

5B

5C AujaNeek Moore & Mary Jane Roberts (GUARD/P) Case No. 13CEPR01049

Petitioner Debra D. Johnson (Pro Per – Maternal Grandmother – Petitioner)

Petitioner Sherrelle Moore (Pro Per – Maternal Aunt – Competing Petitioner)

Petition for Appointment of Guardian of the Person (Mary Jane)

	See petition for details.	NEEDS/PROBLEMS/COMMENTS:
Cont from 081815		
	Aff.Sub.Wit.	
✓	Verified	
	Inventory	
	PTC	
	Not.Cred.	
✓	Notice of Hrg	
✓	Aff.Mail	W
	Aff.Pub.	
	Sp.Ntc.	
✓	Pers.Serv.	W
✓	Conf. Screen	
✓	Letters	
✓	Duties/Supp	
	Objections	
	Video Receipt	
✓	CI Report	
✓	Clearances	
✓	Order	
	Aff. Posting	
	Status Rpt	
✓	UCCJEA	
	Citation	
	FTB Notice	
		Reviewed by: skc
		Reviewed on: 9/24/15
		Updates:
		Recommendation:
		File 5C – Moore/Roberts

5C

Petitioner **Debra D. Johnson (Pro Per – Maternal Grandmother – Petitioner)**
Petitioner **Sherrelle Moore (Pro Per – Maternal Aunt – Competing Petitioner)**

	See petition for details.	NEEDS/PROBLEMS/COMMENTS: <u>Minute Order 8/18/15:</u> Continued due to the service defects. <u>Update:</u> It appears all service defects have now been cured.
Cont from 081815		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: skc
		Reviewed on: 9/24/15
		Updates:
		Recommendation:
		File 5D – Moore/Roberts

Dept. 303, 9:00 a.m. Tuesday, September 29, 2015

Petition for First and Final Account and Report of Executor and for Allowance of Statutory Compensation and Necessary Fees and Costs for Final Distribution.

DOD: 2/3/14	PAUL ANTHONY TOSTE , Executor, is petitioner.		NEEDS/PROBLEMS/COMMENTS: <u>NEED AMENDED ACCOUNTING</u> based on but not limited to the following:
	Account period: 2/3/14 – 7/31/14		
Cont. from	Accounting	- \$385,339.29	<ol style="list-style-type: none"> Accounting does not balance. Credits total \$385,339.29 and charges total \$378,381.89. A difference of 6,957.40. Summary of Account shows property on hand at the end of the account period as \$0. However petition includes a proposed distribution. Inventory and appraisal lists three promissory notes totaling \$305,000.00 however proposed distribution is all cash. Need clarification. Need property on hand schedule. Need schedule showing changes in the form of assets for all property listed in the inventory and appraisal. Inventory and appraisal is incomplete at #3 as to whether or not the property listed is all or a portion of the property that has come to the knowledge or possession of the executor. The inventory and appraisal does not include the original signature of the probate referee.
Aff.Sub.Wit.	Beginning POH	- \$346,953.25	
<input checked="" type="checkbox"/> Verified	Ending POH	- \$0	
<input checked="" type="checkbox"/> Inventory	Attorney	- \$10,706.79	
<input checked="" type="checkbox"/> PTC	(statutory)		
<input checked="" type="checkbox"/> Not.Cred.	Attorney costs	- \$1,957.50	
<input checked="" type="checkbox"/> Notice of Hrg	(filing fee, certified copies, publication, probate referee)		
<input checked="" type="checkbox"/> Aff.Mail	Executor	- \$10,706.79	
Aff.Pub.	(statutory)		
Sp.Ntc.	Closing	- \$1,000.00	
Pers.Serv.	Proposed distribution pursuant to Decedent's Will, is to:		
<input checked="" type="checkbox"/> Letters 5/30/14	Ladies of the Free Will Baptist Church - \$500.00		
Duties/Supp	Virginia Priebe, Alexis Zerga, Alice Sanchez & Robert Nevins \$ 1,000.00 each.		
Objections	Theresa Toste, Kara Brown, Melissa Zerga, Kellie Armstrong, Jacqueline Texeira, Kristi Texeira, Timothy Toste, Paul Toste III, Fay Vallandingham, & Marie Ramsey - \$200.00 each.		
Video Receipt	Paul Toste, James Toste & Rebecca Teixeira - \$92,616.22 each.		
CI Report	Virginia Priebe & Alexis Zerga - \$23,154.06 each		
<input checked="" type="checkbox"/> 9202	Caroline Toste - Blue Stone Ring		
<input checked="" type="checkbox"/> Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
<input checked="" type="checkbox"/> FTB Notice			
			Please see additional page
			Reviewed by: KT
			Reviewed on: 9/24/15
			Updates:
			Recommendation:
			File 7 - Vallandingham

8. Need dated of death of all deceased beneficiaries. Local Rule 7.1.1D.
9. Proposed order includes distribution of a Blue Stone Ring stating this gift was completed before death. The ring was not inventoried and was gifted prior to the decedent's death therefore it should not be included in the order.

Octavio Ruelas DOD: 6-7-06	IRMA HICKS , a Co-Trustee of the Octavio and Mary Ruelas Family Trust, is Petitioner.		NEEDS/PROBLEMS/COMMENTS: Minute Order 8/11/15: Parties have reached an agreement and request a status hearing in 45 days. The following items remain noted for reference: 1. The petition does not state the names and addresses of each person entitled to notice of this petition, which includes Petitioner, pursuant to Probate Code §17201. Need verified declaration with this information. 2. It is unclear if Christina is currently residing in the home at this time. The Court may require 30 days' notice to Christina Ruelas pursuant to Probate Code §17203(c) or other applicable law. 3. Need order pursuant to Local Rule 7.1.1.F.
Mary Ruelas DOD: 6-11-14	Petitioner states she and JESSE JOE RUELAS were named as joint successor trustees; however, since Mary Ruelas' passing, Jesse Ruelas has not been abiding by this provisions of the trust and has been making decisions regarding trust property without Petitioner's approval or knowledge.		
Cont from 120114, 012615, 081115	Article VIII, Section C of the trust provides a life estate in the trust property located at 61 N. DeWitt Ave., in Clovis to Angela Ruelas, and states that should Angela Ruelas choose not to live in said property or upon her death, the property shall be held in trust with any income distributed in equal shares to the seven heirs, approx. 14.28% each.		
<input type="checkbox"/> Aff.Sub.Wit.	Petitioner states Angela has indicated she would be granting residency in the property to Christina Ruelas, who is Co-Trustee Jesse Ruelas' daughter. Angela indicates she has made personal arrangements with Christina regarding rent and the monies are being collected by Angela without any benefit to the trust.		
<input checked="" type="checkbox"/> Verified	Petitioner states the beneficiaries, all siblings, cannot come to an agreement as to whether this is an acceptable method for Angela to secure her life estate.		
<input type="checkbox"/> Inventory	Petitioner states that according to the provisions of the trust, if Angela Ruelas chooses not to live in the home, it reverts back to trust property and is under the exclusive control of the trustees to determine the appropriate resolution regarding the property. Co-Trustee Jesse Ruelas' position is that Angela has the right to have anyone in the property she wishes during her life estate, even if she is not living in the home. This causes Petitioner concern regarding his motives, since the person living in the home is his daughter. She is receiving a great benefit from living in the home at the expense of all the beneficiaries.		
<input type="checkbox"/> PTC	Therefore, Petitioner requests instructions regarding the life estate of Angela Ruelas. Considering her non-compliance with the provision indicating that she must live in the home to ratify the life estate, Petitioner is requesting the Court instruct the 61 N. DeWitt property to revert back to trust property to be under the exclusive control of the Co-Trustees.		
<input checked="" type="checkbox"/> Not.Cred.	SEE ADDITIONAL PAGES		
<input checked="" type="checkbox"/> Notice of Hrg			
<input checked="" type="checkbox"/> Aff.Mail	W		
<input type="checkbox"/> Aff.Pub.			
<input type="checkbox"/> Sp.Ntc.			
<input type="checkbox"/> Pers.Serv.			
<input type="checkbox"/> Conf. Screen			
<input type="checkbox"/> Letters			
<input type="checkbox"/> Duties/Supp			
<input type="checkbox"/> Objections			
<input type="checkbox"/> Video Receipt			
<input type="checkbox"/> CI Report			
<input type="checkbox"/> 9202			
<input type="checkbox"/> Order	X		
<input type="checkbox"/> Aff. Posting			
<input type="checkbox"/> Status Rpt			
<input type="checkbox"/> UCCJEA			
<input type="checkbox"/> Citation			
<input type="checkbox"/> FTB Notice			
Reviewed by: skc			
Reviewed on: 9/24/15			
Updates:			
Recommendation:			
File 9A - Ruelas			

Page 2

Jesse Joe Ruelas, Co-Trustee, filed Answer and Objections on 11-14-14. Mr. Ruelas denies that he has not been abiding by the provisions of the trust and denies that he has been making decisions without Petitioner's approval or knowledge. The only dispute concerns the life estate. Respondent believes it was his parents' wishes that their youngest daughter, Angela Ruelas, was to be given a life estate in the property and is entitled to possession of the property. Petitioner disagrees.

Respondent states that the fact that he disagrees with Petitioner on this matter is not a reason to remove him as co-trustee. Respondent is concerned that if he is removed, Petitioner will ignore the terms of the trust. Petitioner wanted her son Matthew to have the home, and was upset when their mother asked Matthew to move out. Respondent states Petitioner is also upset that the home was left to Angela and Angela has not agreed to give or rent the home to Matthew.

Respondent states the only assets of the trust that he is aware of are the home and personal property at the home. There is a separate property in Ensenada being overseen by Petitioner; however, Respondent doesn't know if it is part of the trust.

Respondent states Angela has stated that she intends to return to live in the property and believes that she has been moving items into the home. Respondent is informed that Angela has allowed Christina Ruelas and her child to also reside at the home, and they have use of two bedrooms, and the others are for Angela.

Respondent believes the Court should determine the meaning of the trust terms, and this issue about Angela Ruelas' life estate in the property. Respondent denies that he has any hostility or has refused to cooperate with Petitioner as his co-trustee, and states he is not being guided in his actions by the fact that Christina is his daughter. Respondent believes Angela is entitled to the home, and Petitioner wants her out of the home so that she can rent it to her son.

See Answer for additional information. See also Points and Authorities filed concurrently. Respondent prays:

1. That the Court instruct the parties as to what, if anything, Angela Ruelas needs to do to obtain the life estate in the home and property at 61 N. DeWitt;
2. That the Court instruct the parties that Angela Ruelas has been granted a life estate in the home and property at 61 N. DeWitt;
3. That the Court declare that Angela Ruelas' life estate has not terminated;
4. That the court deny Petitioner's demand that Jesse J. Ruelas be removed as a co-trustee of the trust;
5. That Jesse J. Ruelas be reimbursed his costs and attorney fees for responding to this petition and motion; and
6. For such other relief as the Court deems just.

Angela Ruelas also filed an Answer and Objection on 11-18-14.

SEE ADDITIONAL PAGES

Page 3

Angela Ruelas states she does want to live in the home and has moving clothes and possessions into the home and purchasing furniture for the home. She agreed to sublet a portion of the home to a relative, Christina, and her child, in return for Christina contributing to pay the costs of keeping up the house, taxes, etc. Angela states she is keeping the other two bedrooms for her use alone and intends to live in the home while Christina also resides there.

Angela Ruelas states she has already done all that she needs to do to "secure" her life interest in the home and the life interest was granted to her without any conditions precedent that she had to meet before she is given the life estate. It is her understanding that the life estate continues until she dies or chooses not to live there. Neither of these conditions has occurred. Angela requests the Court say what must be done so that she can do it.

Angela Ruelas states she has tried to pay for instucance, gardener, property taxes, and other costs associated with the home, but Petitioner has interfered and made it impossible for her to pay costs directly. For example, the gardener refused to take the payment, stating that Petitioner told him not to take payments from Angela Ruelas. She has also tried to reimburse the trust for various costs and expenses, but Petitioner has refused to cash the check. She has been able to pay utilities and home warranty, and remains ready and willing to pay the other expenses, if Petitioner were not preventing it. Various authority cited.

Angela Ruelas further states that Petitioner entered the home and removed property that was supposed to stay with the home, including furniture, and requests that Petitioner return specific items.

Angela Ruelas prays:

1. That the Court deny Petitioner's request that the court find that her life estate in the property is terminated;
2. That the Court give instructions and declare that she has a life estate in the home and that there were no conditions precedent to her obtaining the life estate;
3. That if the court finds that there are conditions precedent to her obtaining the life estate, that the court give instructions as to what, if anything, she needs to do to obtain the life estate, and give time to meet those conditions;
4. That the Court deny Petitioner's request that the court find that the life estate is terminated;
5. That the Court find that she has not terminated her life estate in the property;
6. That the Court order Petitioner to return the taken property to the home;
7. That the Court deny Petitioner's request to remove Jesse Ruelas as co-trustee;
8. That the Court award Angela Ruelas recovery of her attorney fees and costs of suit;
9. That the Court grant such other relief as is just.

Declaration of Irma Hicks Regarding Recent Events Surrounding the Trust was filed 1-23-15. See declaration for details.

9B Octavio & Mary Ruelas 2001 Family Trust Case No. 14CEPR00929
Atty Walters, Jennifer L. (for Irma Hicks – Co-Trustee – Petitioner)
Atty Donohue, Francis T, III, (of Newport Beach, CA, for Jesse Joe Ruelas – Co-Trustee – Objector)
Atty Ruelas, Angela (Pro Per – Beneficiary – Objector)
Probate Status Hearing RE: Resolution

		<p>IRMA HICKS, a Co-Trustee of the Octavio and Mary Ruelas Family Trust, filed Petition for Instructions Regarding Life Estate of Angela Ruelas and Removal of Co-Trustee of The Octavio and Mary Ruelas Family Trust.</p> <p>On 8/11/15, counsel indicated that the parties had reached an agreement. The Court set this status hearing re resolution.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>	
<input type="checkbox"/>	Aff.Sub.Wit.			
<input type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input type="checkbox"/>	Notice of Hrg			
<input type="checkbox"/>	Aff.Mail			
<input type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.			
<input type="checkbox"/>	Conf. Screen			
<input type="checkbox"/>	Letters			
<input type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
			Reviewed by: skc	
			Reviewed on: 9/24/15	
			Updates:	
			Recommendation:	
			File 9B – Ruelas	

12 Beatrice Marie Woof (Estate) Case No. 15CEPR00094

Attorney Kruthers, Heather H (for Public Administrator – Administrator)
 Petitioner Melom, Patricia (pro per – niece/Petitioner)

Petition for Letters of Administration with IAEA

DOD: 10/13/14		PATRICIA MELOM , niece, is Petitioner, and requests appointment as Administrator with full IAEA and without bond.	NEEDS/PROBLEMS/COMMENTS:
Cont. from 082515		Full IAEA – Previously published for by Public Administrator	<u>CONTINUED FROM 08/25/15</u>
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified	All heirs waive bond	<p>1. The Public Administrator was appointed as Administrator of the Estate on 04/14/15. Letters of Administration were issued on 05/07/15. Therefore, there is not a vacancy at Administrator and the estate is already being administered.</p> <p>Note: Inventory & Appraisal filed 06/25/15 shows value of the estate is \$625,338.93.</p> <p>A Status hearing is set for 05/10/16 for filing of the First and Final Account.</p>
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC	Decedent died intestate	
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg	Residence: Fresno	
<input checked="" type="checkbox"/>	Aff.Mail	Publication: The Business Journal	
<input checked="" type="checkbox"/>	Aff.Pub.	[published by the Public Administrator – proof filed 02/27/15]	
<input type="checkbox"/>	Sp.Ntc.	Estimated Value of the Estate:	
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen	Personal property - \$539,980.32	
<input checked="" type="checkbox"/>	Letters	Real property - 63,195.00	
<input checked="" type="checkbox"/>	Duties/Supp	Total - \$603,175.32	
<input type="checkbox"/>	Objections	Probate Referee: STEVEN DIEBERT	
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
			Reviewed by: JF
			Reviewed on: 09/24/15
			Updates:
			Recommendation:
			File 12 - Woof

**Accounting First and Final Report and Petition for its Settlement, for Allowance of
Executor's Commissions and Attorneys' Statutory Fees, and for Final Distribution of Estate
under Will on Waiver of Account**

DOD: 1/26/15		JANET PARKMAN , Executor with Full IAEA without bond, is Petitioner. Accounting is waived I&A: \$175,461.96 POH: \$139,281.34 (cash) Executor: \$2,906.50 (less than statutory) Attorney (Statutory): \$5,813.00 Costs: \$1,536.50 (filing, certified copies, recording) Closing: \$3,000.00 (reserve for post distribution expenses including tax preparation and any contingent liabilities) Distribution pursuant to Decedent's will: William M. Coughran, Jr.: One-sixth Jane Aud: One-sixth Jill Spruance: One-sixth Jennifer Roe: One-sixth Kimberly Pasquini: One-sixth Kathy Mann: One-sixth	NEEDS/PROBLEMS/COMMENTS: 1. Need revised order in compliance with Local Rule 7.6.1.A. Monetary distributions must be stated in dollars and not as a percentage of the estate.	
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input checked="" type="checkbox"/>	Inventory			
<input checked="" type="checkbox"/>	PTC			
<input checked="" type="checkbox"/>	Not.Cred.			
<input checked="" type="checkbox"/>	Notice of Hrg			
<input checked="" type="checkbox"/>	Aff.Mail			w/o
<input type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.			
<input type="checkbox"/>	Conf. Screen			
<input checked="" type="checkbox"/>	Letters			
<input type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input checked="" type="checkbox"/>	9202			
<input checked="" type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input checked="" type="checkbox"/>	FTB Notice			
Reviewed by: skc Reviewed on: 9/24/15 Updates: Recommendation: File 13 – Stotts				

Attorney Perryman, Mark D. (of Carlsbad, CA, for Mark Duggan – Petitioner)
 Attorney Pimentel, Paul J. (for Respondent Daniel J. Duggan)

Petition for Findings and Orders to Compel an Accounting or Provide Information on the Trust: Confirm the Creation and Funding of Trust B; and Instructions on Validity of Trust Amendment

Virginia L. Duggan DOD: 4/17/12	MARK DUGGAN , Remainder Beneficiary of Trust B, the irrevocable trust created under the Daniel J. Duggan and Virginia L. Duggan Revocable Living Trust dated 5/31/11, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: Minute Order 8/11/15: Counsel agree that the only outstanding matter is the accounting and request 30 days for further resolution. The Court set a separate status hearing re resolution. See Page B. Note: On 7/17/15, the parties filed a Stipulation as to various facts. The Court's order thereon was entered on 8/7/15. The following issues remain noted for reference: 1. The Court may require notice to Therese Tiab, the second named successor trustee, pursuant to Probate Code §17203. 2. Need proposed order pursuant to Local Rule 7.1.1.F.
Cont. from 050515, 070715, 081115	Petitioner seeks findings and orders to compel an accounting and provide information on the Trust B, confirm the creation and funding of Trust B, and that a trust amendment dated 6/29/12 (after the death of Settlor Virginia L. Duggan) applies only to Trust A.	
<input type="checkbox"/> Aff.Sub.Wit.	Petitioner states Daniel and Virginia, husband and wife, executed the Daniel J. Duggan and Virginia L. Duggan Revocable Living Trust on 5/31/11. Virginia is Petitioner's mother. Daniel is Petitioner's adopted father. The trust provides that if either co-trustee should resign, become incapacitated, or die then the surviving trustee would become the sole trustee. Further, the trust provides that upon the death of one of the trustors, the trust was to be split into revocable Trust A and irrevocable Trust B, which was designated to hold the portion of the trust estate not allocated to revocable Trust A, portions from revocable trust A added upon the death of the surviving trustor, and other additions.	Reviewed by: skc Reviewed on: 9/24/15 Updates: Recommendation: File 14A - Duggan
<input checked="" type="checkbox"/> Verified	Virginia passed away 4/17/12. Over a year has passed since Virginia's death and Mark still has not received any information on his beneficial share of Trust B. Mark sent Daniel emails and letters requesting information and accounting, which went unanswered for some time. On 8/8/14, by and through his attorneys, Mark sent a letter to Daniel's attorney requesting, among other things, copies of the trust, amendments, and a full, complete, and accurate accounting that complies with Probate Code §§ 16063 and 1060 from 4/17/12 to the present date. The letter also stated that Mark agreed to Daniel's proposed allocation of real properties to Trust B.	
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail	W	
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input type="checkbox"/> Order	X	
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		

SEE ADDITIONAL PAGES

Petitioner states (Cont'd): Mark requested that Daniel record the deeds of the assets allocated to reflect that the assets were a part of Trust B and execute a promissory note for \$125,000.00 with Trust B as the holder and Trust A as the maker of the note. Properties include:

1. 6022 North Marty Ave., APN 106-362-06S
2. 1697 East Los Altos, APN 408-253-13
3. 6750 North Millbrook, APN 408-281-07
4. 2020 South Mary, APNs 468-341-03 and 04
5. 2003-2009 South Sarah, APNs 468-341-14 and 18

On 8/12/14, counsel for Daniel sent a letter that stated he would forward the request to Daniel and provide information as requested. On 8/15/14, Counsel for Daniel mailed the Notification by Trustee pursuant to Probate Code § 16061.7 and a copy of the Trust to Mark. The Notification indicated that the trust was amended on 6/29/12, after Virginia's death. Mark did not receive the amendment or the accounting requested.

Again, on 8/26/14, Mark's counsel wrote a letter requesting the trust documents that Daniel had failed to provide and again requested accounting. Daniel's counsel sent a letter that the accounting should be completed within about two weeks. Mark received a trust accounting for the period of 10/1/13 through 6/30/14, but the accounting did not conform to Probate Code § 16063.

To date, Daniel has not furnished accounting that complies with the probate code, or the trust amendments. Further, he has not provided a copy of the appraisal report for the values of the real property that were to be allocated to Trust B. Daniel has provided copies of the recorded deeds showing that the appropriate properties were allocated to Trust B except for 2020 South Mary and 2003-2009 South Sarah. Daniel has also not provided an executed promissory note for \$125,000.00 naming Trust B as the holder and Trust A as the maker of the note.

Petitioner provides authority and prays for relief as follows:

1. Finding that Trust B became irrevocable on 4/17/12;
2. Finding that the 6/29/12 amendment is not applicable to Trust B;
3. Finding that any amendment made after 4/17/12 is not applicable to Trust B;
4. Compelling the trustee to provide an accounting from 4/17/12 to present that complies with Probate Code § 16063;
5. Compelling the trustee to provide all amendments to the trust;
6. Confirming the transfer of the following properties to the trust:
 - 6022 North Marty Ave., APN 106-362-06S
 - 1697 East Los Altos, APN 408-253-13
 - 6750 North Millbrook, APN 408-281-07
7. Instructing the trustee to transfer the following properties to Trust B:
 - 2020 South Mary, APNs 468-341-03 and 04
 - 2003-2009 South Sarah, APNs 468-341-14 and 18
8. Instructing the trustee to execute a promissory note for \$125,000.00 with Trust B as the holder and Trust A as the maker of the note;
9. Approving the division of the trust into Trust A and Trust B;
10. For attorneys' fees and costs as permitted by law; and
11. For such other relief the court deems just and proper.

Attorney Perryman, Mark D. (of Carlsbad, CA, for Mark Duggan – Petitioner)
 Attorney Pimentel, Paul J. (for Respondent Daniel J. Duggan)

Status RE: Resolution

	MARK DUGGAN , Remainder Beneficiary of Trust B, the irrevocable trust created under the Daniel J. Duggan and Virginia L. Duggan Revocable Living Trust dated 5/31/11, filed Petition for Findings and Orders to Compel an Accounting or Provide Information on the Trust: Confirm the Creation and Funding of Trust B; and Instructions on Validity of Trust Amendment. On 7/17/15, the parties filed a Stipulation as to various facts. The Court's order thereon was entered on 8/7/15. At the hearing on 8/11/15, the Court set this status hearing re resolution.	NEEDS/PROBLEMS/COMMENTS:	
Aff.Sub.Wit.			
Verified			
Inventory			
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Notice of Hrg			
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Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
		Reviewed by: skc	
		Reviewed on: 9/24/15	
		Updates:	
		Recommendation:	
		File 14B - Duggan	

Probate Status Hearing RE: Receipt for Blocked Account

		<p>LOIDA AURORA IN, Mother, was appointed Guardian of the Estate on 8/11/15 without bond, with all funds placed into a blocked account. Letters issued 8/13/15.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. The status report indicates distribution of the approx. \$30,000 death benefit to the guardian of the estate by the week of 10/5/16 (rather than 2015). Was this a typo? Is distribution anticipated this year or next?</p> <p>2. In addition to the American Income Life Insurance lump sum (\$30,000), the original petition also estimated annual income to the minor of \$19,500 and stated that another insurance fund may also be available to the minor, but further information was not available pending appointment as guardian of the estate. At this time, the Court may require further information regarding the additional funds or income.</p>	
Aff.Sub.Wit.				<p>The Court set this status hearing for the filing of the receipt for blocked account.</p> <p>Status Report filed 9/24/15 states Letters were provided to American Income Life Insurance Company to collect the death benefits payable to the minor. The check has been issued to Petitioner as Guardian of the Estate; however, it is currently being routed through the insurance company's auditing department for review prior to being distributed to Ms. In. It is estimated that the check will be distributed by the week of 10/5/16 (sic).</p>
Verified				
Inventory				
PTC				
Not.Cred.				
Notice of Hrg				
Aff.Mail				
Aff.Pub.				
Sp.Ntc.				
Pers.Serv.				
Conf. Screen				
Letters				
Duties/Supp				
Objections				
Video Receipt				
CI Report				
9202				
Order				
Aff. Posting				
Status Rpt				
UCCJEA				
Citation				
FTB Notice				
		<p>Reviewed by: skc</p> <p>Reviewed on: 9/24/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 16 – In</p>		

DOD: 4/17/15		JOSE D. HERNANDEZ , Son, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: <u>Note: Amended petition may be necessary based on the following issues:</u>
		40 days since DOD	
		No other proceedings	<ol style="list-style-type: none"> Petition is incomplete at #9a(1). Was decedent survived by a spouse or no spouse? If no spouse, was decedent divorced or never married, or is the spouse deceased? If deceased, need spouse's date of death per Local Rule 7.1.1.D. Petition is incomplete at #9a(3). Was decedent survived by issue of a predeceased child or no predeceased child? Attachment 11 does not state the decedent's interest in the assets. Did the decedent own a 100% interest in the real property and bank account? The petition is blank at #12 as to why Petitioner is the successor of the decedent. Did the decedent have a will? If so, need original deposited per Probate Code §8200. The petition is incomplete at #13 as to what interest in the assets is being claimed by Petitioner. (Petition refers to Exhibit A, which is only a description of the real property.) Petitioner is not the only child of the decedent. If the decedent did not have a will naming Petitioner as heir, then he is not the only heir. This summary procedure can only be used if all successors in interest petition together. This petition was filed with a fee waiver. If property passes pursuant to this petition, the filing fee of \$435.00 will be due prior to such order. Need Notice of Hearing and proof of service on all relatives entitled to notice per Probate Code §13153.
Cont. from 081115			
<input type="checkbox"/>	Aff.Sub.Wit.	<input checked="" type="checkbox"/>	
<input checked="" type="checkbox"/>	Verified		
<input checked="" type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg	<input checked="" type="checkbox"/>	
<input type="checkbox"/>	Aff.Mail	<input checked="" type="checkbox"/>	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
			Reviewed by: skc
			Reviewed on: 9/24/15
			Updates:
			Recommendation:
			File 17 – Peralta

18 Benny Markarian (Estate)**Case No. 15CEPR00668****Attorney Harris, Richard A. (for Pamela Milam – Petitioner – Daughter)****Petition for Probate of Will and for Letters Testamentary with IAEA**

DOD: 05/15/2015	PAMELA MILAM , daughter/named executor without bond is petitioner.		NEEDS/PROBLEMS/COMMENTS: 1. Proposed personal representative is a resident of Florida. Probate Code 8571 states notwithstanding a waiver of bond, the court in its discretion may require a nonresident personal representative to give a bond in an amount determined by the court. Note: If the petition is granted status hearings will be set as follows: • Tuesday, 10/27/2015 at 9:00a.m. in Dept. 303 for the filing of the Bond if required and • Tuesday, 03/01/2016 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal and • Tuesday, 11/29/2016 at 9:00a.m. in Dept. 303 for the filing of the first account and final distribution. Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.
	Petitioner is a resident of Miramar Beach, Florida.		
Cont. from 081815	Full IAEA – o.k.		
<input type="checkbox"/> Aff.Sub.Wit.	Will dated: 02/20/2008		
<input checked="" type="checkbox"/> Verified	Residence:		
<input type="checkbox"/> Inventory	Publication: The Business Journal		
<input type="checkbox"/> PTC	Estimated Value of the Estate:		
<input type="checkbox"/> Not.Cred.	Personal property - \$129,300.00		
<input checked="" type="checkbox"/> Notice of Hrg	Real Property - \$160,000.00		
<input checked="" type="checkbox"/> Aff.Mail	w/	Total - \$289,300.00	
<input checked="" type="checkbox"/> Aff.Pub.	Probate Referee: Steven Diebert		
<input type="checkbox"/> Sp.Ntc.			
<input type="checkbox"/> Pers.Serv.			
<input type="checkbox"/> Conf. Screen			
<input checked="" type="checkbox"/> Letters			
<input checked="" type="checkbox"/> Duties/Supp			
<input type="checkbox"/> Objections			
<input type="checkbox"/> Video Receipt			
<input type="checkbox"/> CI Report			
<input type="checkbox"/> 9202			
<input checked="" type="checkbox"/> Order			
<input type="checkbox"/> Aff. Posting			
<input type="checkbox"/> Status Rpt			
<input type="checkbox"/> UCCJEA			
<input type="checkbox"/> Citation			
<input type="checkbox"/> FTB Notice			
			Reviewed on: 09/24/2015
			Updates:
			Recommendation:
			File 18 – Markarian

19 Jessie Salaiza (Estate) Case No. 15CEPR00682

Petitioner Braddock, Sylvia Salaiza (Pro Per – Daughter)

Petition for Letters of Administration; Authorization to Administer Under the Independent Administration of Estates Act

DOD: 03/11/2006	SYLVIA SALAIZA BRADDOCK , daughter, is petitioner and requests appointment as Administrator without bond.	NEEDS/PROBLEMS/COMMENTS: Minute Order of 08/25/2015: Petitioner requests a continuance to allow time for Publication. 1. Need Affidavit of Publication. 2. Waiver of bonds signed by Manuel Guerrero, appear to be a copy. Need original or bond in the amount of \$100,000. Note: If the petition is granted status hearings will be set as follows: <ul style="list-style-type: none">• Tuesday, 10/27/2015 at 9:00a.m. in Dept. 303 for the filing of the Bond if required and• Tuesday, 03/01/2016 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal and• Tuesday, 11/29/2016 at 9:00a.m. in Dept. 303 for the filing of the first account and final distribution. Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.
Cont. from 082515	Full IAEA - ?	
<input type="checkbox"/> Aff.Sub.Wit.	Decedent died intestate	
<input checked="" type="checkbox"/> Verified	Residence: Coalinga Publication: Need	
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.	Estimated value of the estate: Personal property - \$100,000.00	
<input checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail	w/	
<input type="checkbox"/> Aff.Pub.	x	
<input type="checkbox"/> Sp.Ntc.	Probate Referee: Steven Diebert	
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input checked="" type="checkbox"/> Letters		
<input checked="" type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		

Reviewed by: LV
Reviewed on: 09/24/2015
Updates:
Recommendation:
File 19 - Salaiza

DOD: 8/4/12			OPHELIA LEE , Daughter and Fourth Named Executor without bond, is Petitioner. The three prior named executors are deceased. Full IAEA – ok Will dated 2/6/07 Residence: Fresno Publication: Business Journal Estimated value of estate: Personal property: \$ 25,000.00 Real property: \$680,000.00 Total: \$705,000.00 Probate Referee: Rick Smith	NEEDS/PROBLEMS/COMMENTS: Note: The Court will set status hearings as follows: • Tuesday, 03/01/16 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal <u>and</u> • Tuesday, 11/29/16 at 9:00a.m. in Dept. 303 for the filing of the first account and final distribution. If the proper items are on file prior to the status hearings pursuant to Local Rule 7.5, the status hearings may come off calendar.
<input type="checkbox"/>	Aff.Sub.Wit.	S/P		
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input checked="" type="checkbox"/>	Notice of Hrg			
<input checked="" type="checkbox"/>	Aff.Mail	W		
<input type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.			
<input type="checkbox"/>	Conf. Screen			
<input checked="" type="checkbox"/>	Letters			
<input checked="" type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input checked="" type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
			Reviewed by: skc	
			Reviewed on: 9/24/15	
			Updates:	
			Recommendation: SUBMITTED	
			File 24 – Lee	

Petition for Instructions Regarding Farm Lease Agreement and Proceeds of Crop

DOD: 2/18/14		<p>DIANNE E. COOLIDGE, Spouse and Administrator with Limited IAEA with bond of \$27,000.00, is Petitioner.</p> <p>Petitioner states on 2/4/15, Petitioner filed a Petition for Instructions Regarding Whether Real Property is Part of Estate, which was heard on 3/9/15. The petition sought the Court's instructions as to whether a certain piece of real property (the Farm Property), planted to grape vines, was part of the estate. At the hearing on said petition, Marvin Helon, counsel for Randy Coolidge and Tracie Coolidge-Fierro, stipulated that said petition would be brought by Diane E. Coolidge in her individual capacity under Probate Code §850. Diane E. Coolidge, in her individual capacity, is taking a neutral position as to this as the beneficiaries are able to adequately represent themselves in this matter. Trial is set for 10/27/15.</p> <p>Pending the determination of whether the Farm Property is an asset of the estate, Petitioner now seeks instructions regarding how to deal with income derived from the Farm Property and whether the property should continue to be farmed under the same oral farm lease agreement in place at the decedent's death.</p> <p>Background: The decedent suffered from congestive heart failure, and while not terminal, his mobility was significantly limited. He died when an electrical fire caused his and Petitioner's home to burn on 2/18/14.</p> <p>At his death, title to the Farm Property was held in Decedent's name as "a married man as his sole and separate property." As set forth in the prior petition for instructions, the decedent allegedly executed a deed conveying the Farm Property to himself and Petitioner as joint tenants. The deed was signed but never notarized or recorded.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Continued from 9/21/15</u></p> <p>Note: This new petition filed 8/5/15 was continued from 9/21/15 to <u>9/29/15 at 9:00 am.</u></p> <p>Also scheduled for 9/29/15 at 10:30 am is the Settlement Conference re: Administrator's Petition for Instructions Regarding Whether Real Property is Part of Estate filed 2/4/15. Trial on that petition is 10/27/15.</p> <p>f</p>	
Cont. from 092115				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
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<input type="checkbox"/>	Video Receipt			
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<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			

SEE ADDITIONAL PAGES

Page 2

Petitioner states for approx. four years prior to the decedent's death, the Farm Property was farmed under an oral crop share agreement with Florenzio Cruz (the Farmer). The terms of the oral agreement were as follows:

- Farmer pays all costs associated with farming the property except property taxes
- Gross revenue from crop is split 75% to Farmer and 25% to D&D Farms (a business owned by Decedent and Petitioner)

Petitioner received \$11,000 as the split of the 2014 crop, which funds have been deposited into a separate account and not commingled with any other assets other than Petitioner's \$100 to open the account. Petitioner has paid \$10,923.63 out of the revenue toward property tax payments owed on the Farm Property in the amount of \$7,143.63 and mortgage payments on the Farm Property in the amount of \$3,680.00. As such, the balance of \$76.37 currently remains in this account.

The Farmer continues to farm the property on the same terms and conditions as existed before the decedent's death and pending determination of whether it is an estate asset. Petitioner alleges the terms of the oral agreement are favorable and the property should continue to be farmed under this arrangement until the estate is closed. However, in order to protect the estate in the event of a breach of the oral agreement, Petitioner intends to reduce the oral agreement to writing and proposes to enter into a farm lease memorializing the existing terms in substantially the same form as the lease attached as Exhibit 2. Petitioner requests the Court instruct her to enter into the Farm Lease.

Petitioner states she has a duty to marshal estate assets and protect them. However, given that there is a dispute whether the Farm Property is an asset, Petitioner requires instructions about how to deal with the revenue generated from the Farm Property. Petitioner seeks instructions as to whether the revenue should:

- a. Be deposited in an estate account; or
- b. Remain segregated from all other assets pending resolution of whether the farm property is an estate asset.

In either situation, Petitioner can provide a full accounting for the revenue and expenses upon the transfer of the assets to the estate account.

Therefore, Petitioner seeks an Order from this Court:

1. **Instructing Petitioner to enter into the Farm Lease;**
2. **Instruction Petitioner to either:**
 - a. **retain revenue generated in separate account in her individual name uncommingled with any other personal assets; or**
 - b. **deposit all revenue generated from the Farm Property into an estate account;**
3. **Instructing Petitioner whether funds from the Farm Property should be used to Property Taxes; and**
4. **For all other orders the Court deems just and proper.**

SEE ADDITIONAL PAGES

Randall D. Coolidge and Tracie Coolidge-Fierro filed Response and Opposition on 9/16/15. Respondents state on 12/8/14, Petitioner filed I&A Partial No. 1 reflecting two parcels of real property with values of \$50,000.00 and \$150,000.00. This inventory did not include the Farm Property. On 1/13/15, Petitioner filed Corrected I&A Partial No. 1 reflecting only the real property valued at \$50,000.00 and removed reference to the other parcel without explanation. No other property or asset has been inventoried to date.

The Farm Property is comprised of two parcels, one consisting of approx. 15 acres on Fruit Avenue in Fresno County and one consisting of approx. 18 acres on Adams Avenue in Fresno County. Title to both parcels was held of record at the decedent's death as his sole and separate property. Petitioner signed an Interspousal Transfer Deed, which is the last recorded document, confirming the Farm Property as the decedent's separate property. Petitioner acknowledges the Farm Property is held of record as his separate property.

Petitioner has also filed and there has been set for trial a petition for instructions in which Petitioner claims personal ownership of the Farm Property based on a purported unnotarized and unrecorded deed.

Even if Petitioner claims justification for not filing a final inventory until the petition for instructions is ruled on, other assets could and should be inventoried, including separate property farm equipment, vehicles, and a boat. Additionally, Petitioner now alleges that the decedent had ownership in a business which received income from his separate property Farm Property.

Respondents are not opposed to Administrator entering a crop share lease during administration on a year to year basis and expiring 12/31/15 with a 25% crop share rent payable to the landlord as proposed. However, Respondents believe and allege as to any lease:

- a. With record title to the Farm Property in decedent's name as separate property, the lease should name the Administrator of the estate as the landlord and should name and identify the tenant and state the tenant's address, which the proposed lease fails to do;
- b. Paragraph 3a should state a time for payment of the crop share rent;
- c. Paragraph 3b should provide for rent to be paid to the Administrator of the estate;
- d. Paragraph 4b should not provide improvements made belong to the tenant, as the proposed lease states. Any improvements should belong to the landlord.
- e. Respondents are also concerned with and question the provisions of Paragraph 6 requiring the landlord to replace wells when the Administrator has inventoried no assets which are likely to allow such an obligation to be met.

SEE ADDITIONAL PAGES

Page 4

Respondents state Petitioner and her attorney have previously refused to disclose to Respondents information concerning the leasing of the Farm Property and the rent. Petitioner, in her deposition taken in estate proceedings, **denied the existence of a lease which she now alleges and states in the Petition to have existed for some years** (emphasis in original). The Court is requested to receive this deposition testimony as evidence and to consider same in ruling on the present petition. See Response for specific details.

The present petition shows that the petitioner was signed and verified 7/17/15 and filed 8/5/15, prior to Petitioner's 8/7/15 deposition (emphasis in original). Administrator's deposition testimony contradicts the statements in her present verified petition as to the leasing of the Farm Property. The present petition was verified and filed, but not yet served, so Respondents were not yet aware of it before the deposition. Petitioner and her counsel's refusal to provide information concerning the lease when they had filed this petition was evasive and is conduct that should not be tolerated by a fiduciary and Administrator of the estate.

Petitioner's prior denial of the lease, the refusal of Petitioner and her attorney to provide information not only to the issue of title to the Farm Property, but also to a matter they had filed but not yet served, are evasive actions and conduct, violate Petitioner's fiduciary duties and should be considered by the Court in ruling on the petition and granting any relief to Petitioner.

Respondents state before granting Petitioner any relief, the Court should require Petitioner to submit a full and complete inventory and file an accounting for the rental income alleged to have been received and expenses paid, and order the Administrator to submit to further deposition concerning the Farm Property and lease now alleged and previously denied by Petitioner.

Probate Code §8500(b) authorizes the Court, where the Court believes from credible evidence that grounds for removal exist, to issue a citation to a personal representative to appear and show cause why the personal representative should not be removed. Petitioner's conduct of failing to inventory assets, including the Farm Property, her conflict of interest and pursuit of claims adverse to the interests of the estate, her denial of a lease and refusal to provide information concerning leasing the Farm Property to heirs and interested persons and evasiveness, all provide grounds for removal and provide evidence that removal is necessary for protection of the estate and its beneficiaries.

Respondents pray for an order of the Court:

- 1. Instructing that the Farm Property be inventoried as decedent's separate property and an asset of the estate subject to administration and that all rental proceeds be placed in an estate account;**
- 2. Directing Petitioner to file an accounting for the rental and crop share proceeds received since the decedent's death;**
- 3. Directing that the Administrator submit to a further deposition concerning the Farm Property and its leasing;**
- 4. Directing that any crop share lease of the Farm Property be in the name of the Administrator as landlord, that rent be paid to the estate and provide terms as set forth in the Response;**
- 5. Issuing a citation requiring Dianne E. Coolidge show cause why she should not be removed as Administrator;**
- 6. Awarding Respondents their costs and attorneys fees; and**
- 7. For such other and additional orders as the Court deems proper.**

Ryan Janisse, Attorney for Petitioner, filed Reply to Response on 9/18/15. Reply states the original Partial I&A included a joint tenancy property which passed by operation of law to Petitioner upon the decedent's death. It was incorrect to include this property; therefore the Corrected Partial I&A was filed. Petitioner has now filed a Partial I&A inventorying farm equipment and vehicles; however, this will be corrected due to errors.

Petitioner acknowledges that she has not yet inventoried the boat, but Objectors inclusion of this as an issue is disingenuous. Petitioner inquired about the boat at the deposition of the decedent's brother, who did not respond to inquiries. Petitioner will inventory this asset even though the information she has is left wanting.

Petitioner has not yet inventoried the Farm Property but did file a Petition for Instructions as to whether it is an estate asset. It would be an exercise in futility to inventory or attempt to administer an asset where it is unclear whether it is or not.

Regarding the lease: The lease was drafted as Dianne Coolidge, individually, or Dianne Coolidge as Administrator. It makes no sense to name the administrator as landlord only. It could create obligations for the estate for land it does not own and subject the estate to liability. Petitioner is agreeable to adding the tenant's name and address and a time frame for payments.

Petitioner submits that requiring payment to the administrator of the estate does not make sense unless the Farm Property is an asset, as this could create tax issues and delay administration. The provision regarding improvements is consistent with the oral agreement. Notwithstanding, Petitioner proposes to revise it to provide that Tenant takes the property as is and to return it to the landlord in the same condition, reasonable wear and tear excepted.

Petitioner is concerned regarding the lease as well; however, no tenant on a one year lease is going to undertake a drilling a new well or repairing subsurface construction. Petitioner proposes to add language that the landlord is not liable for damage caused if the well fails and makes no guarantee re quantity or quality of water. If the well fails, the landlord is not liable for damage.

See Reply regarding the purported refusal to provide information re the lease and request for removal. Reply states the fact of the matter is that in five weeks a trial will take place to determine whether the Farm Property is an asset of the estate. If the joint tenancy deed is found valid, the estate will be in a condition to close. If the joint tenancy deed is invalid, it will be inventoried and administered and closed in due course. If Objectors believe cause exists to remove Petitioner, they can bring a proper petition to do so.

Attorney Janisse, Ryan M. (for Dianne E. Coolidge, Administrator)

Probate Status Hearing Re: Filing of the First Account and/or Final Distribution

DOD: 2/18/2014	DIANNE E. COOLIDGE , spouse, was appointed Administrator with Limited IAEA with bond of \$27,000.00 .	NEEDS/PROBLEMS/COMMENTS: Note: Because Letters did not issue until 10/14/15 (due to amended order), the account is not due until 10/14/15.
	Letters issued on 10/14/2014.	
Cont. from 090915, 092115	Pursuant to Probate Code § 8800(b), <i>Corrected Final Inventory and Appraisal</i> was due filed 1/13/2015 showing an estate value of \$50,000.00 .	
Aff.Sub.Wit.	Pursuant to Probate Code § 12200, first account and/or petition for final distribution is due 10/14/2015 .	
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: LEG / skc
		Reviewed on: 9/24/15
		Updates:
		Recommendation:
		File 26B - Coolidge